

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JERRY ANDERSON, II,

Plaintiff,
v.

Civil Action No. 2:17-CV-13780
HONORABLE DENISE PAGE HOOD
CHIEF UNITED STATES DISTRICT JUDGE

NICHOLAS COUSINS, et. al.,

Defendants,

**OPINION AND ORDER DENYING THE
MOTION FOR RECONSIDERATION**

This Court summarily dismissed Plaintiff's civil rights complaint for failure to state a claim upon which relief may be granted and on the basis of immunity. Plaintiff has filed a motion for reconsideration, which is DENIED.

U.S. Dist.Ct. Rules, E.D. Mich. 7.1 (h) permits a litigant to file a motion for reconsideration. However, a motion for reconsideration which presents the same issues which were already adjudicated upon by the court, either expressly or by reasonable implication, will not be granted. *Ford Motor Co. v. Greatdomains.com, Inc.*, 177 F. Supp. 2d 628, 632 (E.D. Mich. 2001). A motion for reconsideration should be granted if the movant demonstrates a palpable defect by which the court and the parties have

been misled and show that correcting the defect will lead to a different disposition of the case. See *DirecTV, Inc. v. Karpinsky*, 274 F. Supp. 2d 918, 921 (E.D. Mich. 2003).

Plaintiff's motion for reconsideration will be denied, because plaintiff is simply presenting issues which were already ruled upon by this Court, either expressly or by reasonable implication, when the Court summarily dismissed the civil rights complaint. See *Hence v. Smith*, 49 F. Supp. 2d 547, 553 (E.D. Mich. 1999). Although plaintiff argues that his lawsuit is not barred by *Heck v. Humphrey*, 512 U.S. 477, 486-487 (1994), because he pleaded guilty to a reduced charge, plaintiff's conviction on the lesser included offense of second-degree murder precludes him from maintaining a § 1983 action, because his complaint would call into question the validity of that conviction. See *Barnes v. Wright*, 449 F. 3d 709, 716-17 (6th Cir. 2006).

IT IS HEREBY ORDERED that the motion for reconsideration [Dkt. # 9] is DENIED.

S/Denise Page Hood
Denise Page Hood
Chief Judge, United States District Court

Dated: March 20, 2018

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 20, 2018, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager